IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 4508 of 2007()

AGAINST THE ORDER DATED 01/10/2007 IN CRMP.NO.5942/2006 IN CC.92/1999 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

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REVN. PETITIONER:

1. M/S.SHIVANI PHARMATECH PVT LTD 1082,IST FLOOR 12MAIN,2ND STAGE WEST OF CHORD ROAD, BANGALORE- 560 086, HAVING ITS REGISTERED OFFICE OF BHATKAL,UTTARA KANNADA(PRESENT ADDRESS & SALES PREMISES 59/13,19TH MAIN ROAD,II BLOCK, RAJAJI NAGAR,BANGALORE-10),REP.BY ITS DIRECTOR,SANJAY GANAPATHI REVANKAR,NO.21,V.T.ROAD, BHATKAL, U.KANNAD, KARNATAKA STATE.

2. SANJAY GANAPATHI REVANKAR,21,V.T ROAD, BHATKAL,UTTARA KANNADA,KARNATAKA (DIRECTOR OF A1)

3. RAVEENDRA GAJANAN KOLLE,S/O.GAJANAN GANAPATHI KOLLE, 21,V.T.ROAD,BHATKAL,UTTARA KANNADA KARNATAKA (DIRECTOR OF A1).

4. RAJANI R.KOLLE,21,V.T.ROAD,BHATKAL, UTTARA KANNADA,KARNATAKA (DIRECTOR OF A1).

5. M/S.SHIIVANI LABORATORIES,571B, SHIRALI-581 354,REPRESENTED BY ITS WORKING PARTNER,A6.

6. NARAYANA GAJANAN KOLLE,54 YEARS, S/O.GAJANAN GANAPATHI KOLLE,21,V.T ROAD, BHATKAL,UTTARA KANNADA,KARNATAKA (DIRECTOR OF A1).

7. RAGHUVEER GAJANAN KOLLE,36 YEARS, S/O.GANAJAN GANAPATHI KOLLE,21,V.T ROAD, BHATKAL,UTTARA KANNADA,KARNATAKA.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

DRUGS INSPECTOR,OFFICE OF THE ASSISTANT
DRUGS CONTROLLER,THRISSUR.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL.R.P. NO. 4508 of 2007

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Dated this the 17th day of December, 2007.

ORDER

Even after this case took a chequered carreer, the Chief Judicial Magistrate, Thrissur has passed Annexure A8 order dated 01.10.2007 holding that since a prima facie case appears against the revision petitioners namely A1 to A6 and A8, there is no question of discharging them. This court sitting in the rarefied revisional jurisdiction will not be justified in reviewing the 18 page order passed by the trial court refusing to discharge the accused. Hence, the accused will have to face the trial on the allegations levelled against him. However, it is made clear that the trial of the case would be untrammelled by the observations, if any, made by the court below on the merits of the case. It is needless to say that the prosecution will have to establish its case beyond reasonable doubt subject to of course to any presumptions which it can press into service in law. I, therefore, refuse to interfere with the Annexure A8 order dated 01.10.2007 in C.C. No. 92/99.

2. The learned counsel for the revision petitioners submitted that the petitioners 2 to 7 are all hailing from Karnataka State and they may find it difficult to come all the way from Bhatkal in Karnataka State to attend the trial at Thrissur. That is a matter for the sympathetic consideration of the trial court. In case the petitioners invoke section 317 Cr.P.C, I am sure that since no question of identity of the accused arises, the trial court shall be indulgent in considering their request for exemption from personal appearance during the trial.

With this observation, this revision is dismissed.

V. RAMKUMAR, JUDGE.

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